



DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS-HQ-LE-2023-0049; FF09L00200-FX-LE18110900000; OMB Control Number 1018-0012]

Agency Information Collection Activities; Declaration for Importation or Exportation of Fish or Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Fish and Wildlife Service (Service), are proposing to renew an information collection with revisions.

DATES: Interested persons are invited to submit comments on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: Send your comments on the information collection request (ICR) by one of the following methods (please reference 1018-0012 in the subject line of your comments):

- Internet (preferred): <https://www.regulations.gov>. Follow the instructions for submitting comments on Docket No. FWS-HQ-LE-2023-0049.
- Email: Info_Coll@fws.gov.
- U.S. mail: Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: PRB (JAO/3W), Falls Church, VA 22041-3803.

FOR FURTHER INFORMATION CONTACT: Madonna L. Baucum, Service Information Collection Clearance Officer, by email at Info_Coll@fws.gov, or by

telephone at (703) 358-2503. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act (PRA, 44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

- (1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;
- (2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;
- (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and
- (4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of

appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The Endangered Species Act (Act; 16 U.S.C. 1531 *et seq.*) makes it unlawful to import or export fish, wildlife, or plants without filing a declaration or report as necessary for enforcing the Act or upholding the Convention on International Trade in Endangered Species (CITES; 16 U.S.C. 1538(e)). With some exceptions, individuals, businesses, and others importing into or exporting from the United States any fish or wildlife must complete and submit to the Service an FWS Form 3-177 (Declaration for Importation or Exportation of Fish or Wildlife). This form, as well as FWS Form 3-177a (Continuation Sheet) and instructions for completion, are available for electronic submission at <https://edecs.fws.gov>. These forms are also available in fillable format at <http://www.fws.gov/forms/>. The information that we collect enables us to:

- Accurately inspect the contents of the shipment;
- Enforce any regulations that pertain to the fish, wildlife, or plants contained in the shipment; and

- Maintain records of the importation and exportation of these commodities.

Individuals, businesses, and others must file FWS Forms 3-177 and 3-177a with us at the time of import or export of fish or wildlife. Our regulations allow certain species of fish or wildlife to be imported or exported between the United States and Canada or Mexico at U.S. Customs and Border Protection ports, even though our wildlife inspectors may not be present. In these instances, importers and exporters may submit the hard copy of the completed forms to U.S. Customs and Border Protection (CBP). We later collect these submitted forms from CBP and enter the information into the Service's Law Enforcement Management Information System (LEMIS). Form 3-177 collects the following information:

1. Date of the import/export;
2. Import/export license number;
3. Whether the shipment is an import or export;
4. Port of clearance;
5. Purpose code;
6. Customs documents number(s);
7. Name of carrier;
8. Transportation code;
9. Bonded location for inspection;
10. Whether the importer/exporter is based in the United States or in a foreign country;
11. Name, address, phone, and email of importer/exporter;
12. Identifier number and ID type of importer/exporter;
13. Name, phone, fax, email address, and contact person for customs

- broker, shipping agent, or freight forwarder;
14. Identifier number and ID type of customs broker, shipping agent, or freight forwarder;
 15. Scientific and common name of the fish or wildlife;
 16. Permit numbers (if permits are required);
 17. Description, quantity, and value of the fish or wildlife;
 18. Natural country of origin of the fish or wildlife; and
 19. Whether the wildlife is live and venomous.

In addition, certain information, such as the airway bill or bill of lading number, the location of the shipment containing the fish or wildlife for inspection, and the markings on cartons and number of cartons containing fish or wildlife, assists our wildlife inspectors if a physical examination of the shipment is necessary.

We are also requesting OMB's continued approval for electronic collection of data through CBP's Automated Commercial Environment (ACE) portal as an alternative electronic option for importers to eDecs. ACE is the system through which the trade community transmits international trade data required by CBP and all other participating government agencies. The Safe Port Act requires the Service to participate in the International Trade Data System, and the Executive Order on Streamlining Exports and Imports establishes ACE as the primary means for collection of international trade data by the government. Although the Service does not mandate importers to use ACE to file Service data at this time, if the filer chooses to file in ACE, we will collect the data from ACE as an alternative to eDecs. If importers file in ACE, they should not file in eDecs.

Proposed Revisions to This Information Collection

With this submission, we propose the following revisions to this

information collection for OMB approval:

1. We propose to collect the container number for fish or wildlife shipped via ocean cargo. When fish or wildlife are imported and exported on cargo ships, they are packed in shipping containers, which have unique numbers. When our inspectors receive documents for these shipments, the documents often, but do not always, include the container number. However, Form 3-177 currently does not have a field for the container number. It is difficult for our wildlife inspectors to locate a shipment at a seaport without the container number, as ocean cargo shipments are tracked by container number. By adding a field for the container number to Form 3-177 and thus requiring this information on the form, we will improve our ability to inspect ocean cargo shipments and expedite the inspection process for individuals, businesses, and others who ship via ocean cargo.
2. Second, we propose to add a field to collect U.S. permit numbers other than CITES. Currently, we require importers and exporters to include the number for a U.S. CITES permit for those CITES listed species that require a U.S. CITES permit. They may also or instead have other U.S.-issued wildlife permits, such as those required under the Endangered Species Act, Migratory Bird Treaty Act, Marine Mammal Protection Act, Wild Bird Conservation Act, Bald and Golden Eagle Protection Act, and Lacey Act. These additional permit numbers will enable us to link the Form 3-177 to the permit. This will improve data collection and analysis, as we will be able to better ascertain what fish or wildlife is being imported

and exported and tie it to what is being permitted. It will also help us ensure that permits are not duplicated and are used the allowable number of times, aiding enforcement.

3. Next, we propose to add a field to collect the designated port exception permit number. We have designated certain ports for import and export of fish and wildlife (see 50 CFR 14.12).

Generally, individuals, businesses, and others who seek to import and export fish and wildlife at non-designated ports must obtain a designated port exception permit by submitting an application and paying the appropriate fees (see 50 CFR part 13). When they file Form 3-177, they must also include the issued designated port exception permit in their document package. Requiring importers and exporters to put the permit number on Form 3-177, along with the import-export license number (which we already require on Form 3-177), will assist us in tracking permits and making sure that importers and exporters are authorized to use the ports they are seeking to use. Having the number easily accessible on Form 3-177 will help to streamline the review process. If they are not authorized because they have not obtained the designated port exemption permit for the particular port, it will assist us with enforcement.

4. Next, we propose to add a field to collect the CITES tag or marking number for sport-hunted wildlife species that require a CITES tag or marking for import, export, and in-transit shipments (see 50 CFR 23.74(e)). Those species include black rhinoceros, crocodilians (all members of the order *Crocodylia*, which includes alligators,

caimans, crocodiles, and gavials), elephants, leopards, and markhor. A CITES tag or marking is specific to an individual wildlife item and may not be used for multiple wildlife items. Each CITES tag or marking has a unique alphanumeric identifier. Requiring placement of the CITES tag or marking number on Form 3-177 will help ensure we can match the tag or marking to the Form 3-177 declaration and verify that the tag or marking has only been used once. Thus, we will improve our ability to inspect shipments of these species, expedite inspections, and improve enforcement. It will also bolster our ability to meet our obligations under the CITES treaty.

As part of the renewal of and proposed changes for this information collection, we also will review the instructions pages of Form 3-177 to determine what updates are appropriate.

The public may request copies of any form or document contained in this information collection by sending a request to the Service Information Collection Clearance Officer in **ADDRESSES**, above.

Title of Collection: Declaration for Importation or Exportation of Fish or Wildlife, 50 CFR 14.61-14.64 and 14.94(k)(4).

OMB Control Number: 1018-0012.

Form Number: 3-177 and 3-177a.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Individuals, businesses, or others that import or export fish, wildlife, or plants; scientific institutions that import or export fish, wildlife, or plant scientific specimens; and government agencies that import or export fish, wildlife, or plant specimens for various purposes.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

Requirement	Annual No. of Respondents	Total Annual Responses	Completion Time per Response	Total Annual Burden Hours*
FWS Form 3-177 Hard Copy (Upon Import)				
Individuals	8,996	9,569	15 minutes	2,392
Private Sector	128	347	15 minutes	87
Government	0	0	15 minutes	0
<i>Subtotals:</i>	<i>9,124</i>	<i>9,916</i>		<i>2,479</i>
FWS Form 3-177 Hard Copy (Upon Export)				
Individuals	717	881	15 minutes	220
Private Sector	30	43	15 minutes	11
Government	0	0	15 minutes	0
<i>Subtotals:</i>	<i>747</i>	<i>924</i>		<i>231</i>
eDecs/ACE (Upon Import)				
Individuals	21,567	25,030	10 minutes	4,172
Private Sector	13,005	120,035	10 minutes	20,006
Government	46	90	10 minutes	15
<i>Subtotals:</i>	<i>34,618</i>	<i>145,155</i>		<i>24,193</i>
eDecs (Upon Export)				
Individuals	975	1,930	10 minutes	322
Private Sector	2,548	32,230	10 minutes	5,372
Government	36	68	10 minutes	11
<i>Subtotals:</i>	<i>3,559</i>	<i>34,228</i>		<i>5,705</i>
eDecs - Confirmation Number (Automated Export System (AES))				
Private Sector	1,824	35,175	1 minute	586
Automated Commercial Environment (ACE)/AES Disclaimer (and Accompanying Documents)				
Private Sector	5,000	500,000	1 minute	8,333
eDecs - Fee Exemption Certification				
Private Sector	42	2,906	1 minute	48
Totals	54,914	728,304		41,575

*Rounded

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Madonna Baucum,

Information Collection Clearance Officer, U.S. Fish and Wildlife Service.

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